IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1257 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/08/2004 in WP NO : 12993 OF 2004 on the file of the High Court.)

Between:

Smt K.Kamala Bai, W/o Yadagiri,

Aged about 50 years, Occ: Employee,
R/o H.No.12-11-582/1, Warasiguda, Hyderabad

..... APPELLANT

AND

1 The Assistant Divisional Engineer, (Operation), D-VII, C-II,
Barkatpura, Hyderabad
2 The Divisional Engineer (Assessments-I) A.P.C.P.D.C.L, A.P.State Housing

Corporation Buildings, 4th Floor, Street No.17, Urdu galli, Himayatnagar,

Hyderabad

.....RESPONDENT(S)

Counsel for the Appellant:MR.RAJENDRAN VALLATHAI

Counsel for the Respondent Nos. 1 and 2.: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

On 15.5.2004, the Divisional Engineer, Assessments-I, A.P.C.P.D.C.L., A.P. State Housing Corporation Building, Hyderabad, the 1st respondent herein, passed an order of assessment calling upon the writ petitioner-appellant to pay a sum of Rs. 58,529.00 + Rs. 50-00 less the amount already paid, within thirty days failing which it was stated that supply to the premises will be disconnected. The appellant was informed that there is an appeal provided against the said order to the Superintending Engineer (Assessments), which can be filed within 30 days. It is stated that the appellant instead of preferring an appeal, filed Writ Petition No. 12993 of 2004 before this Court questioning the legality and validity of the said order passed by the 1st respondent on the ground that it is in violation of Section 49-C of the Indian Electricity (Andhra Pradesh Amendment) Act, 2000(for short 'the A.P.

Amendment Act, 2000'). Learned single judge dismissed the writ petition in view of the availability of alternative remedy of preferring appeal under the provisions of the A.P. Amendment Act, 2000.

The grievance of the learned counsel for the appellant is that since inspection was carried out in the year 2002, the provisions of the A.P. Amendment Act, 2000, ought to have been complied with. He, therefore, states that the order passed by the 1st respondent, is in violation of Section 49-C of the A.P. Amendment Act, 2000.

Learned counsel for the appellant placed reliance upon the decision of a learned single judge of this Court in Writ Petition No. 10181 of 2004, wherein, the appellant questioned the legality and validity of the proceedings of the Superintending Engineer, Hyderabad, dated 22.1.2004. The learned single judge relying upon the decision in CHEEDI RAMA RAO vs. TRANSMISSION CORPORATION OF A.P. LTD., (A.P.TRANSCO) & OTHERS (), set aside the impugned order and ordered restoration of the matter to the file for transmission to the Tribunal having jurisdiction in the matter.

The Electricity Act, 2003 (Act 36/2003) came into force on 10.6.2003. By the impugned Act, the Indian Electricity Act, 1910, the Electricity (Supply) Act, 1948 and the Electricity Regulatory Commissions Act, 1998 were repealed, except, as otherwise provided in the body of Act, 2003. Repeal of the principal Act, namely, The Indian Electricity Act, 1910 will also have the effect of repeal of the A.P. Amendment Act, 2000. Under the repeal clause, it was provided that anything done or action taken in so far as it is inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act. Thus, anything to be done by the authorities with respect of assessment etc., will have to be done under the New Act, namely, Electricity Act, 2003, and not under the provisions of the Old Act. Shelter taken by the learned counsel for the appellant under the repealed Act is meaningless and for that reason, we cannot subscribe to

the view to taken by the learned single judge in Writ Petition No. 10181 of 2004, dated 20.6.2004 wherein he relied upon the judgment of this Court in CHEEDI RAMA RAO's case cited supra-1, which was decided on 9.4.2003, when Electricity Act, 2003 had not come into force.

There is an alternative remedy available to the appellant and learned single judge rightly dismissed the writ petition of the appellant.

The writ appeal is accordingly dismissed.

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DEVINDER GUPTA, CJ

Date: 16th August, 2004

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C.V.RAMULU,J

Pnb

To

1 The Assistant Divisional Engineer, (Operation), D-VII, C-II,
Barkatpura, Hyderabad

2 The Divisional Engineer (Assessments-I) A.P.C.P.D.C.L, A.P.State Housing

Corporation Buildings, 4th Floor, Street No.17, Urdu galli,

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3 Two C.D. copies